

PATENT
Patent App. Ser. No. 10/578,739
The Eclipse Group Docket No. LJN09001USU (5969-101)

REMARKS

Claims 78-105 are pending in this application. Claims 1-77 have been cancelled and no other inference regarding the patentability of the cancelled claims may be made other than the claims were cancelled in order to have new claims considered. The amendments to the claims have not been made in view of any art or other rejections by the examiner. Rather, the claim amendments are being made to further clarify and broaden the scope of the claims than those presented in prior cases. No new matter has been added by this response. For the reasons stated below, Applicants believe that the claims are in condition for allowance.

Response To Claim Objections

The Examiner objected to claims 1, 35 and 69 because of the following informalities: The first use of the acronym CPE should be expanded to define CPE as Consumer Premise Equipment. Applicants have amended claims 1, 35 and 69 to clarify that CPE is consumer premise equipment.

The rejection is now moot in view of claims 1, 35 and 69 being cancelled.

Response To 35 U.S.C. §112 Rejection

The Examiner rejected claims 1, 35 and 69 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Applicants have amended claims 1, 35 and 69 making this rejection moot.

Therefore, Applicants submit that the rejection of claims 1, 35 and 69 is now moot because claims 1, 35 and 69 have been cancelled.

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Response To 35 U.S.C. §103 Rejection

The Examiner rejected claims 73 and 77 under 35 U.S.C. §103(a) as being unpatentable over *Eng* (U.S. Patent No. 5,963, 557) in view of *Citta* (U.S. Patent No. 6,034,967) and further in view of *Grzeczkowski* (U.S. Pub. No. 2003/0143946).

This rejection is now moot because claims 73 and 77 have been cancelled.

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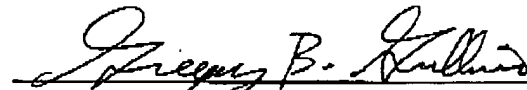
CONCLUSION

In view of the foregoing discussion and remarks, Applicants respectfully submit that the claims as now presented are in a condition for allowance, for which action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 2/19/2010


Gregory B. Gulliver, Reg. No. 44,138
The Eclipse Group LLP
100 Tri-State International, Suite 128
Lincolnshire, IL 60069
(847) 282-3551 Telephone
(847) 574-8035 Fax
gbg@eclipsegrp.com

Customer No.: 34408

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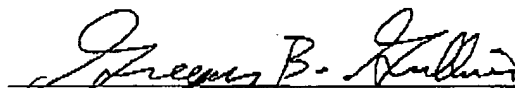
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